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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/689,481 | 10/20/2003 | Gary E. Hendricks | 140/41302/994 | 7887 |

279 7590 09/07/2005

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EXAMINER

LEE, GUIYOUNG

ART UNIT PAPER NUMBER

2875

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,481

Applicant(s)

HENDRICKS, GARY E.

Examiner

Guiyoung Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prelim./Amdt.

1. Receipt is acknowledged of the amendment filed 06/09/2005.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.
3. The indicated allowability of claims 5-6, 14, and 19-29 are withdrawn in view of the newly discovered reference(s) to Bertram et al. (US 2004/0086324 A1). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 8-12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Oh (US 6,471,386 B2).

Re claims 1 and 11: Oh discloses a method of adjusting a position of a reflector of a headlamp assembly and a headlamp adjuster for adjusting a position of a reflector of a headlamp assembly, said headlamp adjuster comprising: a housing (10 in fig. 2B); an expandable member (13) on the housing (10); an adjuster member (15) having a first end and a second end, said adjuster member being extendable and retractable, wherein said first end of said adjuster member (15) is

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engageable with the reflector of the headlamp assembly (10) and said second end of said adjuster member (15) is receivable in the expandable member (13), wherein said expandable member is configured to expand upon said second end of said adjuster member contacting and pushing on said expandable member to accommodate retraction of the adjuster member (col. 2, line 43+).

Re claims 2, 10, 12 and 18: Oh discloses the expandable member is a bellow comprising an accordion member.

Re claims 9 and 17: Oh discloses that the headlamp adjuster is configured such that said second end of said adjuster member is engageable and pressable against an internal wall of said expandable member, thereby causing said expandable member to expand (col. 2, lines 34-46).

Re claims 8 and 16: Oh discloses snap fitting pin 15 as a snap ring, which secures the bellow to the housing (col. 3, lines 37-40).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh as applied to claims 1 and 11 above, and further in view of Asanuma et al. (US 5,927,071).

Re claim 3-4 and 13: Oh does not disclose the bellow is comprised of rubber. Asanuma teaches a rubber bellow (col. 5, line 24). It would have been obvious to one having ordinary skill in the art

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at the time of the invention to employ rubber as a material for Oh's bellow as Assauma taught because rubber is good material for absorbing the impact power from the automobile accident.

9. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh as applied to claims 1 and 11 above, and further in view of Fox et al. (US 6,779,835 B2).

Re claims 7 and 15; Oh does not disclose the limitation that the bellow is glued to the housing. Fox teaches the bellow (10 in Fig. 1 and Abstract) can be attached to the housing by glue. It would have been obvious to one having ordinary skill in the art at the time of the invention to attach Oh's bellow to the housing by using glue as Fox taught because glue is widely used for attaching an elastomeric material such as rubber bellow to any surface due to the fact the glue is conveniently available and easily usable.

10. Claims 5-6, 14, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh in view of Bertram et al. (US 2004/0086324 A1).

Re claims 5-6, 14, and 19-20: Oh does not teach a molding process of making the housing and the bellow integrally. Bertram discloses that the bellow part (28 in Fig. 13) is integrally connected to the housing (24). Further, Bertram disclose a high precision injection molding to make the bellow part and the housing (Paragraph 0009). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the high precision injection molding process in order to make Oh's bellow and housing integrally.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY


Stephen Husar
Primary Examiner